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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,042	02/01/2001	Lisa A. Fillebrown	107870.00012	8351

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EXAMINER

SHAH, KAMINI S

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,042

Applicant(s)

FILLEBROWN ET AL.

Examiner

Kamini S. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 9/21/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22,30,32,33,36,37,40,41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22,30,32,33,36,37,40,41 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

RP

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/12/05 has been entered.

Response to Arguments

2. Applicant's arguments, see amendment and reply, filed 07/11/05, with respect to the rejection(s) of claim(s) 1-22, 30, 32, 33, 36, 37, 40, 42 and 43 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of

3. Applicant arguments regarding *prima facie* of obviousness, Examiner withdraws the 103 obviousness rejection and provides 102 (e) as being anticipated by Gershman. Applicant also argues that as amended, "Claims 1. 33, 36. 37, 40, 42 and 43 each recite that one device receives a wireless data packet from another device and employs data within that packet to generate a display on the one device for a software application executing on the other device" is not found to be taught or suggested in Gershman, however, it is hard to compare the claimed language as amended with the explanation of amendment, both does not correlate. Examiner provides better anticipation rejection under 102 sections as below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1- 22, 30, 32-33, 36-37,40,42,43 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al 6,356,905.

4. Gershman et al (6,356,905) taught the invention substantially as claimed including a method of processing a packet in a wireless network (col. 56, lines 53-54) comprising: wireless network including wireless server (2722) and mobile device (2713) which is in communication with the wireless server for processing data packets received from the wireless server wherein the data packet is associated with applications running on the wireless server, wherein the system executing a method of processing a packet in the wireless network, comprising: a) wirelessly receiving a data packet having data therein at a first device capable of wirelessly communicating with a second device (first device being Mobile Portal 2712 and second device being Electronic Valet 2713, see col. 50, lines 17-55 and col. 56, lines 9-17 and 53-57); and b) associating the data with a software application executing on the first device and generating display information for use by the second device in producing a display on the second device (col. 50, lines 17-

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55 and col. 56, lines 9-17 and 53-57); and the first and second devices performing wireless transmissions to one another simultaneously, col. 50, lines 37-55).

Regarding claims 2-8 wherein the software applications executes wireless server and in background, the disclosed wireless electronic valet in Gershman clearly discloses. Regarding claims 9-14, 18, 20-22, 32, regarding claimed step of converting data packet into data stream, and further into audio and video stream, Gershman discloses video stream as well as audio stream as on col. 44, lines 1-15, and col. 45, lines 50-65.

Regarding claims 15-17, for claiming wireless protocol is Bluetooth protocol and also IEEE 802.11 protocol, it would be inherent to skilled artisan in the wireless networking including devices such as PDA, that communication over wireless link uses a standard communication protocols, such as the IEEE standard 802.11 or an emerging wireless communication protocol referred to by the name "Bluetooth". (Also see, patent to Hiscock 6,721,787 col. 2, lines 59 thru col. 3, lines 1-4).

Regarding claim 19, wherein the wireless server simultaneously executes multiple instances of the software application, Gershman discloses an electronic valet 2602 which executes many different software applications as on col. 50, lines 28-55.

Regarding claim 30 for comprising displaying registration page, Gershman discloses "Gatekeeper" for interfacing media subsystem, as on col. 45, lines 51-64.

Claims 33, 36, 37, 40, 42 and 43 are claiming similar subject matter in various format of method claim 1, therefore are rejected for similar reasons.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiscock 6,721,787 discloses PDA communicating with servers and host system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah
Primary Examiner
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